

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

FILED
SCRANTON

MAR 29 2012

DEPUTY CLERK

I-KIEM SMITH,

Plaintiff,

v.

LT. J. PRICE, et al.,

Defendants.

Civil Action No. 3:11-CV-1581

(Judge Kosik)

JK

ORDER

AND NOW, this 29 day of March, 2012, IT APPEARING TO THE COURT THAT:

1. On March 5, 2012, Magistrate Judge Carlson filed a Report and Recommendation (Doc. 43) recommending that Plaintiff's Motion for Leave to File Supplemental Civil Complaint (Doc. 33) be denied and Plaintiff be given time in which to file an Amended Complaint;
2. The Report and Recommendation (Doc. 43) also recommended that the pending report and recommendation (Doc. 32) and the motion for leave to amend complaint (Doc. 20) be dismissed as moot;
3. On March 26, 2012, Plaintiff filed a Motion to Amend his Complaint and a brief in support of his motion to amend (Doc. 44, 45);

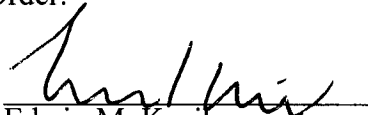
ACCORDINGLY, IT IS HEREBY ORDERED THAT:

4. The Magistrate Judge's Report and Recommendation (Doc. 43) is ADOPTED;
5. Plaintiff's Motion to Amend his Complaint (Doc. 44) is GRANTED;
6. Plaintiff shall file an amended complaint¹ within twenty (20) days of the date of this Order;
7. The amended complaint shall properly allege a claim under 42 U.S.C. § 1983;
8. The amended complaint shall contain "a short and plain statement of the claim showing that the pleader is entitled to relief," Fed. R. Civ. P. 8(a)(2), and shall contain a simple, concise statement of the facts in numbered paragraphs, Fed. R. Civ. P. 8, 10;
9. The amended complaint must contain "a demand for the relief sought, which

¹Attached to Plaintiff's Motion to Amend Complaint (Doc. 44) is a document entitled "Amended Civil Complaint." Plaintiff may either re-file this document as his amended complaint or may take twenty (20) days to file a different amended complaint, either of which must comply fully with the complaint standards.

may include relief in the alternative or different types of relief," Fed. R. Civ. P. 8(a)(3);

10. All claims that are unrelated must be filed as separate actions;
11. The amended complaint shall be filed to the same docket number as the instant action and shall be entitled "Amended Complaint";
12. The amended complaint should name proper defendants and specify the offending actions taken by a particular defendant;
13. The amended complaint shall be complete in all respects. It shall be a new pleading which stands by itself as an adequate complaint without reference to the complaint already filed;
14. Plaintiff's Motion for Leave to File Supplemental Civil Complaint (Doc. 33) is DENIED;
15. The initial Report and Recommendation (Doc. 32) and Plaintiff's motion for leave to amend complaint (Doc. 20) are DISMISSED as MOOT;
16. Failure to timely file an amended complaint and comply with this direction may result in dismissal of this action; and
17. The Clerk of Court is directed to REMAND this case to the Magistrate Judge for further proceedings consistent with this Order.


Edwin M. Kosik
United States District Judge